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Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: FCC 13-184 Notice of Proposed Rulemaking in the Matter of Modernizing the E-Rate Program for Schools and Libraries

WC Docket No. 13-184

Dear Ms. Dortch, the Commission, and whom it may concern:

eBackpack would like to thank the Commission for this opportunity to comment on the proposed changes to the E-rate program. Our discussion will be targeted at the first overarching section of the NPRM seeking comments on the list of eligible services.

The growth in the level 1 funding requests relative to the respective funding growth cited in the NPRM[1] indicate that changes are required. One solution may be to increase funding; however, our comments will be focused on prioritization of expenses. We support the Commission's proposals to prioritize

- Advanced services over outdated technologies, and
- Services directly related to educational purposes over ancillary services.

However, we ***strongly disagree*** with the proposal to narrow the eligible services to only providing broadband access.

Specifically we believe that web-hosting and classroom collaboration services should be maintained on the eligible services list for a number of reasons;

- *The Commission is directed to ensure that information services are provided in addition to telecommunication services.*

The Act directs commission to “establish ... rules to enhance ... access to advanced telecommunications and information services”[2]. The act further defines

telecommunications service as “the offering of [the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received] for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.”[3] and

information service as “the offering of a capability for generating, acquiring, storing, telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.”[4]

This indicates the initial intent of the program was (and is) to provide both the telecommunication backbone (broadband) and ancillary ride-on services that directly enhance the education of our children.

- *Web hosting services directly support classroom educational interaction.*

The Act instructs the Commission, while establishing the list of supported services to consider which services are “are essential to education”[5] Therefore, the guiding principles in determining the eligible service list should be to prioritize advanced technology that directly enhances education. In the present technological environment, this direction prioritizes internet services that enhance teacher/student communication and classroom experience in addition to basic broadband access. Per the FY2013 Eligible Services list web hosting provides access to “password-protected pages, interactive communication features such as blogging and webmail, and other features that facilitate real-time interactive communication, such as instant messaging and chat” that enhances the classroom learning experience. In alignment with the proposed prioritization, the eligible services list could be refined to prioritize those solutions that directly impacted the teacher/student interaction and collaboration.

- *Education has unique needs for cloud based systems and mobile based technologies.*
Education is becoming increasingly mobile with unique education workflow challenges. A

number of schools have installed broadband access and rolled out device initiatives to discover they lack anticipated impact without the ancillary support from applications. Web based education workflow and collaboration solutions are required to fully harness the capabilities of broadband access. President Obama's ConnectED initiative further promotes this idea with "We are living in a digital age, and to help our students get ahead, we must make sure they have access to cutting-edge technology," going on to say "and equip them with the tools to make the most of it."

- *Advanced technology is expanding the education experience beyond the classroom walls.*
Broadband to the physical school neglects the fact that education happens beyond the borders of the school campus. Applications and web hosting technologies allow student to continue learning regardless of location and time of day while continuing to collaborate with classmates and teachers.
- *Unique classroom requirements are not adequately met by free cloud based services.*
The classroom environment has a number of unique requirements that are not addressed by free cloud-based alternatives designed for the general public and/or business applications. This includes assignment and submission workflow visibility and review controls, access controls, and moderated collaboration tools. Additionally these tools do not properly address safety and security needs of students and teachers in a classroom or school setting.
- *Freely available, cloud based systems designed for the general public and/or business applications are not designed with CIPA compliance in mind.*
Pushing schools to non-education focused products contradicts the commission's requirement to maintain CIPA compliance. Additionally, most freely available services actively, or reserve the right to, mine user data for marketing or other business purposes such as selling profile information.
- *Providing a competitive disadvantage to small businesses which are creating job growth.*
Technology is changing quickly which is driving the need for the E-rate 2.0 discussion. This is creating a number of small, fast growing companies fulfilling educational technology needs by offering industry best solutions. E-rate support schools to utilize these services motivating these smaller companies to create products that excel in meeting the needs of schools and libraries for specific features; thereby giving students, teachers, and school administration the best possible products to facilitate teaching and education.

For these reasons and more we strongly believe that the current definition of web hosting services

should remain on the eligible services list through the E-Rate 2.0 implementation.

Sincerely,

Michael Zilinskas
CEO, eBackpack, Inc.

[1] FCC 13-184 NPRM pgs 20-21 Para 63

[2] 47 U.S.C. § 254(h)(2)(A)

[3] 47 U.S.C. § 3(a)(51)

[4] 47 U.S.C. § 3(a)(41)

[5] 47 U.S.C. § 254(c)(1)(A)